

**2015**

# **LABOR RELATIONS MANUAL**



**LOS ANGELES POLICE DEPARTMENT**

**Emergency Operations Division**

**LOS ANGELES POLICE DEPARTMENT**

LABOR RELATIONS UNIT

POLICY, PROCEDURE AND GUIDELINES

FOR HANDLING LABOR DISPUTES

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The City of Los Angeles is a center of industrial and technological business activities. Over one million citizens are employed by business and industry in Los Angeles County. Over the years, there have been contract disputes between labor and management in the City of Los Angeles. However, violence and criminal activity stemming from such activity have been maintained far below that experienced in similar urban cities throughout the country. This can largely be attributed to the diligent efforts by officers of this Department and the enlightened and cooperative response from labor and management in the City of Los Angeles.

This Labor Relations Manual incorporates Department policies, procedures, guidelines and case law, which have evolved from past experience and research. Its content should become a part of the basic and essential knowledge of incident commanders and line supervisors of the Department, in order that they can disseminate this information to field officers on an ongoing basis. Adherence to the principles enunciated herein will cause our treatment of labor disputes to be consistent, fair, impartial, effective, and will reduce civil liability.

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## **SECTION - A**

### **PURPOSE, RESPONSIBILITIES AND GUIDELINES**

#### **I. INTRODUCTION AND HISTORY**

The following material is provided to enable Department personnel to more effectively carry out their responsibilities during labor-management disputes.

The material expands upon and encompasses the Department's policies pertaining to labor relations approved by the Police Commission on February 16, 1972.

The Department's objectives in the labor-management field will best be served when all personnel are properly informed regarding the police role during labor disputes. Their presence at strike scenes will serve to alleviate and de-escalate rather than aggravate existing tensions between the involved parties.

#### **Purpose**

1. To explain the Department's policies in policing labor-management disputes.
2. To outline and explain the duties and functions of the Labor Relations Unit.
3. To provide officers with a basic guide to follow in policing labor-management disputes.
4. To explain how the Labor Relations Unit can assist Geographic Areas and specialized divisions by providing expertise and guidance in labor-management relations.

#### **Policy**

Negotiation and collective bargaining are legally recognized methods of settling labor disputes. It is not the function of the Department to deal with the issues involved. Such issues are to be resolved at the bargaining table where both labor and management are represented.

It is the policy of the Department that the police role in strikes or labor disputes, at all times, be unbiased, reasonable and impartial while protecting the civil rights of the general public and involved parties (see Section B, 1/460.10 and 1/460.20).

#### **Objectives of the Police Department**

The objectives of police personnel during a dispute between labor and management are threefold:

1. To maintain law and order;
2. To protect life and property; and,
3. To protect the civil rights of the general public and all of the parties to the dispute.

## **Background of Police, Labor-Management Relations**

Prior to 1949, thousands of Department hours were expended on uniformed personnel policing strike scenes. Unfortunately, during the course of these events, union officials alleged that the presence of uniformed officers was provocative and, at times, their actions resulted in civil litigation against the City. As a result of these risk management issues, a review of the techniques used by the police was necessary to more effectively maintain order at labor disputes.

### **Labor Relations Unit Formed**

In 1949, the Department created a Labor Relations Unit within Metropolitan Division. This entity was established to prevent the recurrence of negative incidents and to establish a relationship with both labor and management. Personnel achieved these alliances by meeting first with labor union officials to explain that the Department has policies which mandate officers maintain an impartial and professional attitude during labor disputes. They also discussed the methods that could be used by union representatives in maintaining law and order. As a result of these meetings, the union leaders agreed to exert more control over their members at strike scenes. The Department, in return, was able to reduce the number of uniformed personnel deployed at the scene of a strike, maintain law and order, and not become the focal point of the dispute.

The Department's success in policing strikes was attributed to the cooperation received from both labor and management and the implementation of a proactive approach. Whenever possible, discussions were held with both labor and management leaders prior to a strike. If all parties to a labor dispute were aware of their rights and the Department's role in policing these events, the possibility of unlawful conduct was reduced.

### **Labor Relations Division Established**

Under the direction of former Chief Edward M. Davis, Labor Relations Division was established on September 23, 1969.

### **Labor Relations Section Established**

In 1997, due to Department reorganization, Labor Relations Division became Labor Relations Section.

### **Labor Relations Unit Established**

In 2007, due to Department reorganization, Labor Relations Section became Labor Relations Unit (LRU), within Contract Services Section (CSS), Emergency Operations Division (EOD).

## II. LABOR RELATIONS UNIT RESPONSIBILITIES AND DUTIES

### Responsibilities

The Chief of Police is responsible for suppressing riots, disturbances, and breaches of the peace. As a representative of the Chief of Police, each Area commanding officer is responsible for maintaining law and order at the scene of any strike or labor dispute occurring within his/her Area. Upon the request of an Area commanding officer or designee, LRU will provide personnel possessing expertise in the labor-management field to assist with the incident.

### Duties

1. **Establish and maintain positive liaison with labor and management representatives:** Labor Relations Unit personnel meet with representatives of both labor and management on a frequent basis. The meetings may occur at the union local offices and business locations in and around the City. Members of LRU also attend social functions sponsored by the many union and management groups they work with. The contacts during social engagements may seem unorthodox however, they are critical to the liaison function and often times help to promote the exchange of ideas and information while fostering respect and confidence between the Department and the various organizations.
2. **Investigate crimes evolving from labor-management disputes, except homicide:** Labor Relations Unit has Citywide jurisdiction and responsibility to complete follow-up investigations of selected crimes arising from labor-management disputes.
3. **Gather information regarding strikes and labor disputes:** Labor Relations Unit personnel gather information from personal contacts and other sources including union, management and governmental publications concerning pending labor negotiations or disputes.
4. **Maintain informational files:** Labor Relations Unit maintains informational files regarding labor union points of contact information, history of strike activities, pertinent laws and court decisions related to labor disputes.
5. **Assistance to Department personnel:** Labor Relations Unit personnel provide expertise, guidelines, procedures and background information to assist Department personnel in the labor-management field.
6. **Meet with union and management representatives who are, or may be, involved in a labor dispute:** Guidelines to prevent unlawful acts are discussed with both labor and management representatives who are encouraged to promote self-discipline and strict control over their personnel.
7. **Auditing of picket lines:** Labor Relations Unit personnel audit picket lines in an effort to reduce or prevent labor-management related crimes and the need for uniformed personnel.

### **III. FUNCTION OF LABOR RELATIONS UNIT**

Labor Relations Unit personnel receive information regarding union organizational efforts, labor-management contract expiration dates and grievances that may develop into labor disputes. The Department seeks to minimize criminal violations connected with labor disputes by providing guidelines for the conduct of the involved parties.

Labor Relations Unit personnel meet separately with representatives of labor and management prior to a strike to discuss the “ground rules” of strike activity. These discussions are considered to be an important factor in maintaining harmonious relations between all parties. The Department’s policy of impartiality is explained and labor and management’s need for positive leadership with self-discipline is emphasized (see Section B, 1/460.30).

Labor Relations Unit personnel seek information from management and labor representatives regarding their proposed plans of operations should a labor dispute occur. Suggestions are given to management regarding security measures for buildings, vehicles, and equipment and parking areas. Additionally, concerns about the conduct and the protection of non-striking employees are discussed. Management is advised that temporary restraining orders and injunctions are civil matters and should be addressed by their private attorneys. Suggestions are given to labor representatives regarding the conduct of striking employees and the control of picket line activities. It is recommended that a labor official or responsible picket captain be present at all times to supervise their own picket line.

Labor Relations Unit has Citywide jurisdiction for the investigation of selected related crimes that arise from labor-management disputes. As a risk management tool, personnel from LRU advise both labor and management representatives of the Department’s policy for strict enforcement of the law. They are advised to film or document factual information on incidents of unlawful conduct. Personnel at the scene of a strike or labor action should be cognizant that many violations at strike scenes are of an emotional nature committed in a moment of anger, and each crime requires a thorough investigation.

#### **Staff Responsibilities of Labor Relations Unit**

Labor Relations personnel are assigned specific areas of responsibility throughout the City and maintain professional liaisons with all union locals having jurisdiction within the City. The positive relationships developed by the LRU provide an avenue of communication, which may impact activities during a labor dispute. Therefore, upon request, LRU will provide Area commanding officers with personnel who possess expertise in the labor-management field. These services are available on a 24-hour basis.

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#### **IV. GUIDELINES FOR HANDLING LABOR DISPUTES**

The City of Los Angeles comprises a major portion of the second largest industrial area in the nation. As a result, the Department is often called to respond to numerous labor disputes occurring within the City each year. Personnel assigned to a strike location are to be guided by state and municipal laws in an effort to maintain order at such activities.

There is no secret formula for handling labor disputes. No two strikes are alike since they differ in physical surroundings, type of strike, type of business, issues involved, composition of striking and non-striking employees and leadership ability of labor and management officials. Decisions made by police at the scene of a labor dispute must be based on sound judgment. When the need arises, incident command posts should be established at appropriate sites, other than the involved company property.

The Department's policies should be explained to both labor and management to eliminate confusion and misunderstanding. An attempt should be made to obtain the cooperation of both labor and management in controlling the demeanor of striking and non-striking employees. Labor and management officials quickly assess the type of enforcement that is exhibited at the scene of a labor dispute, and the police action at all times must be impartial and reasonable.

Incidents of a minor nature should be brought to the attention of the union or management official who has supervision over the principal(s) involved. This procedure provides an opportunity for the involved parties to exercise self-discipline. However, police action should be taken when this process fails.

When practicable, private persons arrest procedures should be utilized concerning illegal activities, such as Battery, etc. Minor verbal dispute violations involving two parties are generally best resolved by a City Attorney's hearing. Labor and management often agree to withdraw all criminal and civil complaints upon settlement of the labor dispute.

When felonies occur at the scene of a dispute, the crime should be immediately investigated and when probable cause is established, the suspect(s) should be arrested. Labor Relations Unit personnel should be notified when the arrest is made so that an immediate follow-up investigation can be initiated for crimes related to the dispute. Experience has shown that tensions are reduced when an explanation is given to the concerned parties regarding the incident and resulting action.

Police should make reasonable efforts to uphold the right to picket peacefully. Mass picketing or circular picketing is not itself a violation of law; however, if illegal acts result from such picketing, corrective police action should be taken. When mass picketing is conducted in a congested area or where pedestrians are deprived of the normal use of sidewalks, the public inconvenience should be brought to the attention of the union official. Although the Department has no legal authority to establish a strike perimeter or limit the number of pickets, a tactful suggestion to use a particular portion of the sidewalk or other property is usually accepted.

The police cannot prohibit nor limit the size of placards carried by pickets. However, there are restrictions on the length and width of the lumber, wood or wood lath used to

affix the placards. Union officials have been receptive to suggestions that the size of placards be reasonable to avoid inconvenience to the general public and lessen the possibility that picket signs may be used as weapons.

The general public has a right to the free and immediate use of sidewalks, and ingress to and egress from locations where picket activity is being conducted. Pickets may “reasonably delay” the ingress or egress of persons and vehicles at a strike location; however, the courts have not clarified the term “reasonably” and each incident must be evaluated upon its specific facts and circumstances.

In order to establish the violation of blocking ingress or egress by pickets, several sequential events must take place. The intent of the person(s) to enter the location must be shown and the intent of the pickets to prevent the entrance must likewise be evident. The driver must then decide his/her course of action. When temporarily breaking a large picket line to allow a vehicle to cross, extreme caution should be exercised and officers should at all times face the pickets. The use of arm signals to direct vehicles to cross the picket line is usually interpreted as an order to the driver to cross the line.

In most cases, the critical period of a strike is the period immediately following the first day. Special attention should be paid to the change of shifts of both, striking and non-striking employees. Officers at the scene of a strike must be alert at all times and in a position to recognize potential problems. One prevalent problem is the consumption of alcoholic beverages, and intoxication. Union officials are opposed to such activity as it is embarrassing, lessens their chance of positive resolution of their grievances, and limits their ability to control the picket activity. Officers should bring such incidents to the attention of the picket captain or union official with a suggestion that the individual be removed from the picket.

When special security officers or guards are employed by management, police monitoring the strike should inform management to utilize these personnel on private property only. Perception of the police by those impacted by the strike can contribute to their conduct during the dispute. ***Therefore, police personnel should avoid fraternization, gratuities and the use of company or union facilities during any labor action.*** Additionally, personal opinions regarding the dispute should not be revealed. If verbal abuse is directed toward police, it should be disregarded.

Critical situations can arise in labor-management disputes that have a potential to erupt on a major scale, requiring redeployment of Department personnel in order to re-establish control. Supervisors should implement a log recording all pertinent information during the labor dispute. Consideration should be given to deploying Department video equipment, decibel meters, etc., to aid in the determination, documentation, enforcement and prosecution of applicable violations, especially with organized labor groups with a history of unlawful behavior.

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## V. COURT INJUNCTIONS

Under California law, the court has authority to grant an ex parte temporary restraining order if sufficient evidence is shown that the complainant will suffer “irreparable injury” unless such relief is promptly granted. A mandatory limit of ten days is provided between the ex parte temporary restraining order and the hearing to show cause why a preliminary injunction should not be granted. Exceptions to the above limit are made when both parties agree to a continuance.

Enforcement of an injunction is secured by contempt proceedings in the issuing court. **It is not the responsibility of the police to enforce the provisions of an injunction unless directly ordered to do so by the issuing court.**

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## **SECTION - B**

### **DEPARTMENT MANUAL SECTIONS PERTAINING TO LABOR RELATIONS**

#### **1/460      LABOR RELATIONS**

#### **1/460.10      DEPARTMENT'S ROLE IN LABOR DISPUTES**

The right to engage in labor-related activities is a constitutionally protected right, subject to reasonable restrictions as to time, place, and manner. Through the legally recognized methods of negotiation and collective bargaining, labor disputes are peacefully settled. In such disputes, it is not the function of the Department to deal with the issues involved; rather, it is the role of the Department to protect the rights of the public and the disputants by enforcing the law and by maintaining order. Finding the delicate balance between protecting the Constitutional right to engage in labor-related activities and providing for community peace, requires informed and sensitive police judgment.

#### **1/460.20      IMPARTIALITY OF THE DEPARTMENT IN LABOR DISPUTES**

Strikes and mass or circular picketing are not, in themselves, violations of the law. It is the illegal acts, which sometimes arise from such activities, which are the concern of the police. The effectiveness of the Department in labor disputes is maintained by its remaining at all times impartial regarding the parties and issues involved and by taking appropriate action whenever criminal violations are observed or reported.

#### **1/460.30      ENFORCEMENT OF LAWS AT LABOR DISPUTES**

The Department seeks to minimize criminal violations connected with labor disputes by providing guidelines for the conduct of the parties and the area of the sidewalk to be used. These guidelines are discussed with management and labor officials at which time it is emphasized that the use of public sidewalks and roadways, the free access to public places, and the rights of persons to enter and leave private premises are to be preserved. In instances where there are criminal violations, the Department will take prompt and impartial action to protect the rights of the public and the disputants. However, individual unlawful acts, properly the subject of law enforcement response, may not necessarily warrant stopping an ongoing labor-related activity due to law enforcement response. Violations of court orders and injunctions do not ordinarily constitute criminal offenses for which the Department will take enforcement action.

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**LIAISON WITH LABOR AND MANAGEMENT**

The Department maintains special liaison with management and labor officials to obtain information and to explain the Department's policies and procedures in relation to labor disputes. By seeking the cooperation of the parties involved, tensions are reduced and self-discipline is encouraged so that the parties may police their own conduct.

**DEPLOYMENT AT LABOR DISPUTES**

Recognizing that misunderstandings and law violations are minimized in an atmosphere of mutual cooperation and trust, the Department created LRU to coordinate and advise on Department activity relating to labor disputes. The Labor Relations Unit gathers information regarding strikes, investigates selected related crimes, and meets with officials from organized labor, management and the Department to discuss and alleviate police problems arising from such disputes.

In a labor-related demonstration, incident commanders shall, with the assistance of LRU, make every attempt to identify the union leadership and maintain ongoing communication with those leaders through the duration of the demonstration, notifying them of problems if and as they develop and enlisting their aid in policing the conduct of their own members.

Should it become necessary to declare an unlawful assembly, the dispersal order should be announced in both English and a second language, if the situation is appropriate for those bilingual commands. Upon the declaration of such a dispersal order, the incident commander should make every attempt to ensure demonstrators have a sufficient amount of time to disperse in an orderly and lawful fashion.

Police officers will not normally be deployed at strike scenes; however, when such deployment becomes necessary, it is the responsibility of the concerned Area commanding officer to take the necessary police action to deter crime and to keep the peace.

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## SECTION – C

### STATUTES AND COURT DECISIONS APPLICABLE TO LABOR DISPUTES

#### ***Case Law     Ralphs Grocery Co. v. UFCW 8 (2012) - December 2012***

The California Supreme Court upheld the constitutionality of two California laws which protect peaceful labor picketing: Section 527.3 of the Civil Code (aka the “Moscone Act”), and Labor Code Section 1138.1. Each section restricts what would otherwise be a court’s ability to issue injunctions prohibiting expressive activity, and the protections apply whether the labor activity occurs on public or private property. So, even though the union does not possess a First Amendment right to engage in expressive activity on the store’s private property, the California legislature has granted them a statutory right to do so, subject to the store’s reasonable time, place and manner regulations.

The effect of this case is that unions engaged in labor picketing may do so on the walkways and near the doorways of privately owned stores, as long as the activity is peaceful, does not block ingress/egress to the store, and does not break any other law.

**Reference:**    ***LAPD Legal Bulletin, Volume 37, Issue 1, “EXPRESSIVE ACTIVITY ON PRIVATE PROPERTY”, dated February 21, 2013***

#### ***Case Law     New York-New York Hotel and Casino v. NLRB (2012) April 17, 2012***

In 1998, New York-New York Hotel and Casino in Las Vegas, Nevada, contracted with the Ark Las Vegas Restaurant Corporation, which operates restaurants within the Casino complex. Off-duty Ark employees entered the Casino property and passed out union related handbills to Ark and Casino customers. When the employees refused to leave, the Casino had them arrested for trespassing. The organizers filed an unfair labor practice with the National Labor Relations Board. An Administrative Law Judge ordered and the US District Court of Appeals for the District of Columbia affirmed that third-party contractor employees have the right to enter the property for the purpose of organizing and distributing union-related handbills.

## **I.     CRIMES AGAINST PUBLIC PEACE**

### **CALIFORNIA PENAL CODE (PC) SECTIONS**

**403 PC     Disturbance of Public Assembly or Meeting.** Every person who, without authority of law, willfully disturbs or breaks up any assembly or meeting, not unlawful in its character, other than such as is referred to in Section 302 of the Penal Code and Section 29440 of the Elections Code, is guilty of a misdemeanor.

- 404 PC      Riot; elements.**
- (a) Any use of force or violence, disturbing the public peace, or any threat to use force or violence, if accompanied by immediate power of execution, by two or more persons acting together, and without authority of law, is a riot.
- (b) As used in this section, disturbing the public peace may occur in any place of confinement. Place of confinement means any state prison, county jail, industrial farm, or road camp, or any city jail, industrial farm, or road camp or any juvenile forestry camp.
- 404.6 PC      Incitement to Riot; punishment.**
- (a) Every person who with the intent to cause a riot does an act or engages in conduct that urges a riot, or urges others to commit acts of force or violence, or the burning or destroying of property, and at a time and place and under circumstances that produce a clear and present and immediate danger of acts of force or violence or the burning or destroying of property, is guilty of a misdemeanor.
- 405 PC      Riots; Punishment.** Every person who participates in any riot is punishable by a fine not exceeding one thousand dollars (\$1000), or by imprisonment in a county jail not exceeding one year, or by both such fine and imprisonment.
- 405a PC      Lynching; definition.** The taking by means of a riot of any person from the lawful custody of any peace officer is a lynching.
- 405b PC      Lynching; punishment.** Every person who participates in any lynching is punishable by imprisonment in the state prison for two, three or four years.
- 406 PC      Rout; definition.** Whenever two or more persons, assembled and acting together, make any attempt or advance toward the commission of an act which would be a riot if actually committed, such an assembly is a rout.
- 407 PC      Unlawful Assembly; definition.** Whenever two or more persons assemble together to do an unlawful act, or do a lawful act in a violent, boisterous, or tumultuous manner, such assembly is an unlawful assembly.
- 408 PC      Rout and Unlawful Assembly; punishment.** Every person who participates in any rout or unlawful assembly is guilty of a misdemeanor.
- 409 PC      Riot, Rout, or Unlawful Assembly; remaining present after warning to disperse.** Every person remaining present at the place of any riot, rout, or unlawful assembly, after the same has been lawfully warned to disperse, except public officers and persons assisting them in attempting to disperse the same, is guilty of a misdemeanor.

**410 PC**      **Magistrate or officer neglecting or refusing to disperse unlawful or riotous assembly.** If a magistrate or officers, having notice of any unlawful or riotous assembly, neglects to proceed to the place of assembly, or as near thereto as he can with safety, and to exercise the authority with which he is invested for suppressing the same and arresting the offenders, he is guilty of a misdemeanor.

**415 PC**      **Fighting; noise, offensive words.** Any of the following persons shall be punished by imprisonment in the county jail for a period of not more than 90 days, a fine of not more than four hundred dollars (\$400) or both such imprisonment and fine:

1. Any person who unlawfully fights in a public place or challenges another person in a public place to fight.
2. Any person who maliciously and willfully disturbs another person by loud and unreasonable noise.
3. Any person who uses offensive words in a public place which are inherently likely to provoke an immediate violent reaction.

**416 PC**      **Assembly for purpose of disturbing peace or committing unlawful act; refusal to disperse.**

(a) If two or more persons assemble for the purpose of disturbing the public peace, or committing any unlawful act, and do not disperse on being desired or commanded so to do by a public officer, the persons so offending are severally guilty of a misdemeanor.

**726 PC**      **Unlawful or riotous assemblies; command to disperse.** Where any number of persons, whether armed or not, are unlawfully or riotously assembled, the sheriff of the county and his deputies, the officials governing the town or city, or any of them, must go among the persons assembled, or as near to them as possible, and command them, in the name of the people of the state, immediately to disperse.

**727 PC**      **Unlawful or riotous assemblies; arrest for failure to disperse; commanding aid.** If the persons assembled do not immediately disperse, such magistrates and officers must arrest them, and to that end may command the aid of all persons present or within the county.

## **II.    RESISTANCE TO LAW ENFORCEMENT**

**69 PC**      **Obstructing or resistance of executive officers in the performance of their duties; attempts; threats; violence; punishment.** Every person who attempts, by means of any threat or violence, to deter or prevent an executive officer from performing any duty imposed upon such officer by law, or who knowingly resists, by the use of force or violence, such officer, in the performance of his duty, is punishable by a fine not exceeding ten

thousand dollars (\$10,000) or by imprisonment in the state prison, or in a county jail not exceeding one year, or by both such fine and imprisonment.

148 PC

**Resisting, delaying or obstructing officer or emergency medical technician; interference with public safety radio communications; removal or taking of weapon; punishment.**

(a)(1) Every person who willfully resists, delays, or obstructs any public officer, peace officer, or an emergency medical technician, as defined in Division 2.5 of the Health and Safety Code, in the discharge or attempt to discharge any duty of his or her office or employment, when no other punishment is prescribed, shall be punished by a fine not exceeding one thousand dollars (\$1,000), or by imprisonment in a county jail not to exceed one year, or by both that fine and imprisonment.

### III. TRESPASS SECTIONS

602 PC

**Trespasses constituting misdemeanors: enumeration.** Except as provided in Section 602.8, every person who willfully commits a trespass by any of the following acts is guilty of a misdemeanor:

(k) Entering any lands, whether unenclosed or enclosed by fence, for the purpose of injuring any property or property rights or with the intention of interfering with, obstructing, or injuring any lawful business or occupation carried on by the owner of the land, the owner's agent or by the person in lawful possession.

(m) Entering and occupying real property or structures of any kind without the consent of the owner, the owner's agent, or the person in lawful possession.

(n) Driving any vehicle, as defined in Section 670 of the Vehicle Code, upon real property belonging to, or lawfully occupied by another and known not to be open to the general public, without the consent of the owner, the owner's agent, or the person in lawful possession. This subdivision shall not apply to any person described in Section 22350 of the Business and Professions Code who is making a lawful service of process, provided that upon exiting the vehicle, the person proceeds immediately to attempt the service of process, and leaves immediately upon completing the service of process or upon the request of the owner, the owner's agent, or the person in lawful possession.

(o) Refusing or failing to leave land, real property, or structures belonging to or lawfully occupied by another and not open to the general public, upon being requested to leave by (1) a peace officer at the request of the owner, the owner's agent, or the person in lawful possession, and upon being informed by the peace officer that he or she is acting at the request of the owner, the owner's agent, or the person in lawful possession, or (2) the owner, the owner's agent, or the person in lawful possession. The owner,

the owner's agent, or the person in lawful possession shall make a separate request to the peace officer on each occasion when the peace officer's assistance in dealing with a trespass is requested. However, a single request for a peace officer's assistance may be made to cover a limited period of time not to exceed 30 days and identified by specific dates, during which there is a fire hazard or the owner, owner's agent or person in lawful possession is absent from the premises or property. In addition, a single request for a peace officer's assistance may be made for a period not to exceed six months when the premises or property is closed to the public and posted as being closed. However, this subdivision shall not be applicable to persons engaged in lawful labor union activities which are permitted to be carried out on the property by the California Agricultural Labor Relations Act, Part 3.5 (commencing with Section 1140) of Division 2 of the Labor Code, or by the National Labor Relations Act.

(q) Refusing or failing to leave a public building of a public agency during those hours of the day or night when the building is regularly closed to the public upon being requested to do so by a regularly employed guard, watchman, or custodian of the public agency owning or maintaining the building or property, if the surrounding circumstances would indicate to a reasonable person that the person has no apparent lawful business to pursue.

#### **602.1 PC**

#### **Obstructing or Intimidating Business Operators; public agencies or customers; misdemeanor.**

(a) Any person who intentionally interferes with any lawful business or occupation carried on by the owner or agent of a business establishment open to the public, by obstructing or intimidating those attempting to carry on business, or their customers, and who refuses to leave the premises of the business establishment after being requested to leave by the owner or the owner's agent, or by a peace officer acting at the request of the owner or owner's agent, is guilty of a misdemeanor, punishable by imprisonment in a county jail for up to 90 days, or by a fine of up to four hundred dollars (\$400), or by both that imprisonment and fine.

(b) Any person who intentionally interferes with any lawful business carried on by the employees of a public agency open to the public, by obstructing or intimidating those attempting to carry on business, or those persons there to transact business with the public agency, and who refuses to leave the premises of the public agency after being requested to leave by the office manager or a supervisor of the public agency, is guilty of a misdemeanor, punishable by imprisonment in a county jail for up to 90 days, or by a fine of up to four hundred dollars (\$400), or by both that imprisonment and fine.

(c) This section shall not apply to any of the following persons:

(1) Any person engaged in lawful labor union activities that are permitted to be carried out on the property by state or federal law.

(2) Any person on the premises who is engaging in activities protected by the California Constitution or the United States Constitution.

(d) Nothing in this section shall be deemed to supersede the application of any other law.

#### IV. LOITERING AND DISORDERLY CONDUCT

**169 PC      Parading or picketing near courthouse.** Any person who pickets or parades in or near a building which houses a court of this state with the intent to interfere with, obstruct, or impede the administration of justice or with the intent to influence any judge, juror, witness, or officer of the court in the discharge of his duty is guilty of a misdemeanor.

**375 PC      Places of public assemblage; injurious, nauseous, or offensive substances; use or preparation; punishment.**

(a) It shall be unlawful to throw, drop, pour, deposit, release, discharge or expose, or to attempt to throw, drop, pour, deposit, release, discharge or expose in, upon or about any theater, restaurant, place of business, place of amusement or any place of public assemblage, any liquid, gaseous or solid substance or matter of any kind which is injurious to person or property, or is nauseous, sickening, irritating or offensive to any of the senses.

(b) It shall be unlawful to manufacture or prepare, or to possess any liquid, gaseous, or solid substance or matter of any kind which is injurious to person or property, or is nauseous, sickening, irritating or offensive, to any of the senses with intent to throw, drop, pour, deposit, release, discharge or expose the same in, upon or about any theater, restaurant, place of business, place of amusement, or any other place of public assemblage.

(c) Any person violating any of the provisions hereof shall be punished by imprisonment in the county jail for not less than three months and not more than one year, or by a fine of not less than five hundred dollars (\$500) and not more than two thousand dollars (\$2,000) or by both such fine and imprisonment.

(d) Any person who, in violating any of the provisions of subdivision (a), willfully employs or uses any liquid, gaseous or solid substance which may produce serious illness or permanent injury through being vaporized or otherwise dispersed in the air or who, in violating any of the provisions of subdivision (a) willfully employs or uses any tear gas, mustard gas or any of the combinations or compounds thereof, or willfully employs or uses acid or explosives, shall be guilty of a felony and shall be punished by imprisonment in the state prison.

- 453 PC      Flammable or combustible materials, incendiary devices; possession, manufacture, or disposal; intent; penalty; exceptions.**
- (a) Every person who possesses, manufactures, or disposes of any flammable, or combustible material or substance, or any incendiary device in an arrangement or preparation, with intent to willfully and maliciously use this material, substance, or device to set fire to or burn any structure, forest land, or property, shall be punished by imprisonment in the state prison, or in the county jail, not exceeding one year.
- 552 PC      Exemptions; peace officers; use of road.** Peace or police officer or other duly authorized public officer, nor does it apply to the lawful use of an established and existing right of way for public road purposes.
- 552.1 PC    Exemptions; union activities.**
- (a) Any lawful activity for the purpose of engaging in any organizational effort on behalf of any labor union, agent, or member thereof, or of any employee group, or any member thereof, employed or formerly employed in any place of business or manufacturing establishment described in this article, or for the purpose of carrying on the lawful activities of labor unions, or members thereof.
- (b) Any lawful activity for the purpose of investigation of the safety of working conditions on posted property by a representative of a labor union or other employee group who has upon his person written evidence of due authorization by his labor union or employee group to make such investigation.
- 553 PC      Definitions:**
- (a) **"Sign"** means a sign not less than one (1) square foot in area and upon which in letters not less than two inches in height appear the words "trespassing-loitering forbidden by law or words describing the use of the property followed by the words "no trespassing."
- (b) **"Posted property"** means any property specified in Section 554 which is posted in a manner provided in Section 554.1.
- (c) **"Posted boundary"** means a line running from sign to sign and such line need not conform to the legal boundary or legal description of any lot, parcel, or acreage of land, but only the area within the posted boundary shall constitute posted property, except as otherwise provided in subdivision (e) of Section 554. 1.
- 554 PC      Property Subject to Posting.** The general public is accorded access, and may post against trespassing and loitering in the manner provided in Section 554.1, and thereby become posted property subject to the provisions of this article applicable to posted property, if such property

consists of, or is used, or is designed to be used, for any one or more of the following:

(a) An oil well, oilfield, tank farm, refinery, compressor plant, absorption plant, bulk plant, marine terminal, pipeline, pipeline pumping station, or reservoir, or any other plant, structure, or works, used for the production, extraction, treatment, handling, storage, or transportation, of oil, gas, gasoline, petroleum, or any product or products thereof.

(b) A gas plant, gas storage station, gas meter, gas valve, or regulator station, gas odorant station, gas pipeline, or appurtenances, or any other property used in the transmission or distribution of gas.

(c) A reservoir, dam, generating plant, receiving station, distributing station, transformer, transmission line, or any appurtenances, used for the storage of water for the generation of hydroelectric power, or for the generation of electricity by water or steam or by any other apparatus or method suitable for the generation of electricity, or for the handling, transmission, reception, or distribution of electric energy.

(d) Plant, structures or facilities used for or in connection with the rendering of telephone or telegraph service or for radio or television broadcasting.

(e) A water well, dam, reservoir, pumping plant, aqueduct, canal, tunnel, siphon, conduit, or any other structure, facility, or conductor for producing, storing, diverting, conserving, treating, or conveying water.

(f) The production, storage, or manufacture of munitions, dynamite, black blasting powder, gunpowder, or other explosives.

(g) A railroad right-of-way, railroad bridge, railroad tunnel, railroad shop, railroad yard, or other railroad facility.

(h) A plant and facility for the collection, pumping, transmission, treatment, outfall, and disposal of sanitary sewerage or storm and waste water, including a water pollution or quality control facility.

(i) A quarry used for the purpose of extracting surface or subsurface material or where explosives are stored or used for that purpose.

#### **554.1 PC      Method of Posting.**

(a) If it is not enclosed within a fence and if it is of an area not exceeding one (1) acre and has no lineal dimension exceeding one (1) mile, by posting signs at each corner of the area and at each entrance.

(b) If it is not enclosed within a fence, and if it is of an area exceeding one (1) acre, or contains any lineal dimension exceeding one (1) mile, by

posting signs along or near the exterior boundaries of the area at intervals of not more than 600 feet, and also at each corner, and, if such property has a definite entrance or entrances, at each such entrance.

(c) If it is enclosed within a fence and if it is of an area not exceeding one (1) acre, and has no lineal dimension exceeding one (1) mile, by posting signs at each corner of such fence and at each entrance.

(d) If it is enclosed within a fence and if it is of an area exceeding one (1) acre, or has any lineal dimension exceeding one (1) mile, by posting signs on, or along the line of, such fence at intervals of not more than 600 feet, and also at each corner and at each entrance.

(e) If it consists of poles or towers or appurtenant structures for the suspension of wires or other conductors for conveying electricity or telegraphic or telephonic messages or of towers or derricks for the production of oil or gas, by affixing a sign upon one or more sides of such poles, towers, or derricks, but such posting shall render only the pole, tower, derrick, or appurtenant structure posted property.

**555 PC**      **Separate offense for each day of violation.** Without the written permission of the owner, tenant, or occupant in legal possession or control thereof. Every person who enters or remains upon posted property without such written permission is guilty of a separate offense for each day during any portion of which he enters or remains upon such posted property.

**555.1 PC**      **It is unlawful, without authority, to tear down, deface or destroy any sign posted pursuant to this article.**

**555.2 PC**      **This section does not prohibit picketing in such immediate vicinity or any lawful activity by which the public is informed of the existence of an alleged labor dispute.**

**594 PC**      **Vandalism; penalty.**

(a) Every person who maliciously commits any of the following acts with respect to any real or personal property not his or her own, in cases other than those specified by state law, is guilty of vandalism:

- (1) Defaces with graffiti or other inscribed material.
- (2) Damages.
- (3) Destroys.

**647 PC**      **Disorderly Conduct.** Every person who commits any or the following acts is guilty of disorderly conduct, a misdemeanor:

(e) Who lodges in any building, structure, vehicle, or place, whether public or private, without the permission of the owner or person entitled to the possession or in control of it.

(f) Who loiters, prowls, or wanders upon the private property of another, at any time, without visible or lawful business with the owner or occupant. As used in this subdivision, “loiter” means to delay or linger without a lawful purpose for being on the property and for the purpose of committing a crime as opportunity may be discovered.

**23110 VC      Throwing substances at vehicles.**

(a) Any person who throws any substance at a vehicle or any occupant thereof on a highway is guilty of a misdemeanor.

(b) Any person who with intent to do great bodily injury maliciously and willfully throws or projects any rock, brick, bottle, metal or other missile, or projects any other substance capable of doing serious bodily harm at such vehicle or occupant thereof is guilty of a felony and upon conviction shall be punished by imprisonment in the state prison.

**LOS ANGELES MUNICIPAL CODE (LAMC) SECTIONS**

**41.18 LAMC Sidewalks, Pedestrian Subways – Loitering**

(a) No person shall stand in or upon any street, sidewalk or other public way open for pedestrian travel or otherwise occupy any portion thereof in such a manner as to annoy or molest any pedestrian thereon or so as to obstruct or unreasonably interfere with the free passage of pedestrians. **(Amended by Ord. No. 137,269, Eff. 10/21/68.)**

Whether or not a defendant’s acts “in any manner hindered or obstructed the free-passage” of persons passing is clearly a question of fact for the jury.

*People v. Firestone*, CR A 518.

Where free-passage along sidewalks is obstructed by persons listening to what is said at a street-meeting, the persons conducting said meeting cannot be convicted of a violation of this section in the absence of other facts.

*People v. Yoneda*, CR A 249.

(b) No person shall loiter in any tunnel, pedestrian subway, or on any bridge overpass, or at or near the entrance thereto or exit there from, or at or near any abutment or retaining wall adjacent to such entrance or exit, or any retaining wall or abutment adjacent to any freeway, street or highway open and used for vehicular traffic, or adjacent to that portion thereof used

for vehicular traffic, or on any public property in the proximity of such bridge, overpass, or retaining wall or abutment.

Sec 41.18 has not been preempted by State Legislation encompassing loitering offenses.

*Gleason v. Municipal Court* (April 1964), 226 Cal. App. 2d-226 ACA 701.

(c) No person in or about any pedestrian subway, shall annoy or molest another or make any remark to or concerning another to the annoyance of such other person, and no person shall commit any nuisance in or about such subway.

(d) **(Amended by Ord. No. 137,269, Eff. 10/21/68.)** No person shall sit, lie or sleep in or upon any street, sidewalk or other public way.

The provisions of this subsection shall not apply to persons sitting on the curb portion of any sidewalk or street while attending or viewing any parade permitted under the provisions of Section 103.111 of Article 2, Chapter X of this Code; nor shall the provisions of this subsection apply to persons sitting upon benches or other seating facilities provided for such purpose by municipal authority or permitted by this Code.

#### **41.19 LAMC Public Assemblages – Obstructing Entrance**

No person shall sit or stand on or at the entrance of any church, hall, theatre or other place of public assemblage in any manner so as to obstruct such entrance.

#### **41.27 LAMC Intoxication**

(c) No person shall drink any malt, spirituous or vinous liquor containing more than one-half of one per cent of alcohol by volume, upon any street, sidewalk or parkway, park, playground, Los Angeles Memorial Coliseum, or in any railroad depot or bus station, or in any public place, or in any place open to the patronage of the public, which premises are not licensed for the consumption of such liquor on the premises.

(d) No person who has in his or her possession any bottle, can or other receptacle containing any alcoholic beverage which has been opened, or a seal broken, or the contents of which have been partially removed, shall enter, be, or remain on the posted premises of, including the posted parking lot immediately adjacent to, any retail package off-sale alcoholic beverage licensee licensed pursuant to Division 9 (commencing with Section 23000) of the Business and Professions Code of the State of California, or on any public sidewalk immediately adjacent to the licensed and posted premises. Any person violating any provision of this subsection shall be guilty of an infraction. **(Added by Ord. No. 158,498, Eff. 12/31/83.)**

(e) All retail package off-sale alcoholic beverage licensees licensed pursuant to Division 9 (commencing with Section 23000) of the Business and Professions Code of the State of California shall install and maintain signs on the licensed premises, clearly visible to the patrons of the licensee and to persons in or on any parking lot or public sidewalk immediately adjacent to the licensed premises, which notify all such persons that the provisions of Subsection (d) of this section are applicable. Any licensee violating any provision of this subsection shall be guilty of an infraction. **(Added by Ord. No. 158,498, Eff. 12/31/83.)**

(f) As used in Subsections (d) and (g) of this section, “**posted premises**” means those premises which are subject to licensure under any retail package off-sale alcoholic beverage license, the parking lot immediately adjacent to the licensed premises, and any public sidewalk immediately adjacent to the licensed premises on which clearly visible notices have placed pursuant to the provisions of Subsection (e) of this section. **(Added by Ord. No. 158,498, Eff. 12/31/83.)**

(g) The provisions of Subsections (d) and (e) of this section shall not apply to a private residential parking lot which is immediately adjacent to the posted premises. **(Added by Ord. No. 158,498, Eff. 12/31/83.)**

(h) No person shall have in his or her possession, with intent to consume any part of the contents thereof in any public place not licensed for the consumption thereof, any bottle, can or other receptacle containing any alcoholic beverage which has been opened, or a seal broken, or the contents of which have been partially removed, upon any street, sidewalk or parkway, park, playground, Los Angeles Memorial Coliseum, or any railroad depot or bus station, or in any public place, or in any place open to the patronage of the public, which premises are not licensed for the consumption of such alcoholic beverage on the premises. Any person violating any provision of this subsection shall be guilty of an infraction. **(Amended by Ord. No. 160,458, Eff. 11/28/85.)\***

*\* Note: Section 41.27 (h) was declared unconstitutional in People v. Duran, 43 Cal. App. 4th Supp.1.*

**41.57 LAMC Loud and Raucous Noise Prohibited**  
**(Added by Ord. No. 140,731, Eff. 8/24/70.)**

(a) It is unlawful for any person to cause, allow or permit the emission or transmission of any loud or raucous noise from any sound making or sound amplifying device in his possession or under his control.

- (1) upon any private property, or
- (2) upon any public street alley, sidewalk or thoroughfare, or
- (3) in or upon any public park or other public place or property.

(b) The words “**loud and raucous noise**” as used herein shall mean any sound or any recording thereof when amplified or increased by any electrical, mechanical, or other device to such volume, intensity or carrying power as to unreasonably interfere with the peace and quiet of other persons within or upon any one or more of such places or areas, or as to unreasonably annoy, disturb, impair or endanger the comfort, repose, health, or safety of other persons within or upon any one or more of such places or areas.

The word “**unreasonably**” as used herein shall include but not be limited to, consideration of the hour, place, nature, and circumstances of the emission or transmission of any such loud and raucous noise.

#### **55.07 LAMC Demonstration Equipment Prohibited**

(a) No person shall carry or possess while participating in any demonstration, rally, picket line or public assembly, any length of lumber, wood, or wood lath unless that object is one-fourth inch or less in thickness and two inches or less in width, or if not generally rectangular in shape, such object shall not exceed three-quarters inch in its thickest dimension.  
(Added by Ord. No. 151,435, Eff. 9/6/78.)

#### **55.08 LAMC Glass Bottles on Public Property Prohibited**

(Added by Ord. No. 159,636, Eff. 3/5/85.)

No person shall carry any glass beverage bottle, whether empty or not, into any public street, or portion of any public street, or onto any other public property when such street or property is being temporarily used for the conducting of a community civic event or local special event of community interest with respect to which approval to use the street or property for said event has been given by the City of Los Angeles by permit, City Council resolution or otherwise, and where barricades or other devices or City personnel have been placed or stationed in the public street or streets and at any other public way along the perimeter of the area being so used. The provisions of this section shall not apply when beverages are sold or dispensed within the area in glass bottles, nor shall the provisions of this section apply to any glass bottle brought into the area which contains any drug or medicine or which is designated for dispensing milk, juice or other beverages to babies or infants, or which is intended to be used, or the contents of which is intended to be used, in the preparation or seasoning of food.

#### **56.45 LAMC Peace and Security Protection**

(Added by Ord. No. 170,517, Eff. 5/19/95.)

(a) **Definitions.** Notwithstanding any other definitions of the words defined herein, the words defined herein shall have the following meanings for the purposes of this ordinance:

- (1) “**Appurtenant parking facilities**” shall mean any parking lot or structure that is the primary and posted place for the parking of the vehicles of health care providers and members of the public using any medical facility, including any driveway apron which permits vehicular access to such parking lot or structure.
- (2) “**Client of a medical facility**” shall mean any individual who utilizes or attempts to utilize the services of a medical facility and who, by reason of such actual or attempted utilization, becomes the focus or object of any unlawful interference.
- (3) “**Congregation**” shall mean any assembly, for the purposes of parading, patrolling or otherwise demonstrating, of three or more individuals.
- (4) “**Connecting pedestrian access**” shall mean any sidewalk or street crosswalk directly connecting a medical facility to its appurtenant parking facilities.
- (5) “**Health care provider**” shall mean any individual who owns, operates, supplies, or is employed at any medical facility, whether on a permanent, temporary, occasional or incidental basis, including any volunteer who facilitates the delivery of medical services at the invitation of the health care providers responsible for operating the medical facility.
- (6) “**Medical facility**” shall mean any hospital, medical clinic, medical office or other facility at which lawful, professional medical services, diagnoses and/or counseling are delivered to members of the public.
- (7) “**Medical services**” shall mean any and all services related to the determination, diagnosis, monitoring or treatment of the medical condition or status of an individual, including, without limitation, any counseling, referral, diagnostic, laboratory, clinical or surgical services.
- (8) “**Peace or security**” shall mean the conditions necessary to conduct the normal operations of a medical facility, taking into account (1) the effect of activities on ingress and egress readily available to members of the public seeking medical services, (2) any noise, diversion or disturbance affecting a medical facility, and (3) any other effects on the operations that unreasonably jeopardize the health and safety of the members of the public seeking medical services.
- (9) “**Person**” shall mean any individual, organization or association.

(b) **Prohibition Against Intentional Interference with the Normal Operations of a Medical Facility.** Any person, acting alone or in concert with others, who intentionally acts in any manner that threatens or disturbs

the peace or security of any medical facility by threatening to interfere or actually interfering with (1) the normal operations of a medical facility, (2) the lawful activities of a client of a medical facility, or (3) the lawful activities of a health care provider attempting to provide medical services shall be guilty of a misdemeanor.

Nothing in this subsection shall prohibit any peaceful expressive conduct, including protesting, picketing, demonstrating, or distributing pamphlets near a medical facility so long as such conduct does not interfere with the normal operations of the medical facility.

**(c) Police Authority to Order Dispersal of Violative Congregation.**

The police are hereby authorized to order the immediate dispersal of any congregation that is directed at, and threatens or violates the peace or security of, a medical facility. In determining whether a congregation threatens or violates the peace or security of the medical facility, the police shall take into account the effects upon the normal operations of medical facilities, including, but not limited to, (1) the effect of activities on ingress and egress readily available to members of the public seeking medical services, (2) any noise, diversion or disturbance affecting a medical facility, and (3) any other effects on the operations that unreasonably jeopardize the health and safety of the members of the public seeking medical services.

Any order to disperse issued by police pursuant to this subsection shall include a statement indicating substantially each of the following:

- (1) That the congregation has threatened or violated the peace or security of a medical facility;
- (2) That the congregation is not protected by the constitutional right of the people peaceably to assemble in that its actions are unlawful; and
- (3) That each member of the congregation, and all persons acting in concert with such congregation, must, under penalty of arrest and prosecution, immediately disperse and cease to congregate within fifty (50) feet of (1) the medical facility, (2) its appurtenant parking facilities, and (3) any connecting pedestrian access, and within four hours of such order to disperse or before such later time that the police proclaim to be necessary to protect the peace and security of the medical facility.

**(d) Failure To Disperse or Subsequently Reassembling Following An Order From The Police To Disperse.** Any person who is part of any congregation acting within fifty (50) feet of (1) any medical facility, (2) its appurtenant parking facilities, or (3) any connecting pedestrian access who refuses to disperse after having been reasonably ordered to do so by the police shall be guilty of a misdemeanor. In addition, any individual members of that congregation, or any other persons willfully acting in concert with such congregation, who reassembles within the same area

within four hours of such order or before such later time that the police proclaim to be necessary to protect the peace and security of the medical facility, shall be guilty of a misdemeanor.

(e) **Prohibition Against Targeted Demonstrations Focused Upon and At or About a Private Residence.** Any person, acting alone or in concert with others, who pickets, parades or patrols in a manner that is both (1) focused upon the private residence or dwelling of any individual residing within the City of Los Angeles, and (2) takes place within one hundred (100) feet of such private residence shall be guilty of a misdemeanor.

Except as specified herein, nothing in this subsection shall prohibit generally the peaceful picketing or distributing pamphlets, going door-to-door, alone or in groups, in residential neighborhoods.

(f) **Penalties for Violation; Misdemeanor.** Any person convicted of willfully violating Subsection (b), (d) or (e) of Section 56.45. of the LAMC is guilty of a misdemeanor punishable by a fine not to exceed \$1,000 and/or shall be sentenced to imprisonment in the county jail for a period not to exceed six months.

(g) **Coexistence with Injunctive Relief for Specific Deprivations of Protected Rights.** Nothing herein is intended to abridge, circumscribe or otherwise affect the rights of any person to pray for and obtain injunctive relief for the deprivation of protected rights.

(h) **Severability of Provisions.** If any severable provision or provisions of this ordinance or any application thereof is held invalid, that invalidity shall not affect other provisions or applications of the ordinance that can be given effect notwithstanding such invalidity.

(i) **Urgency Clause.** The City Council finds and declares that this ordinance is required for the immediate protection of the public peace, health and safety. This ordinance will prevent interferences with the operations of medical facilities, assure the efficient and expedient delivery of medical services to persons seeking treatment, and protect the well-being, tranquility and privacy of individuals in their personal residences.

This ordinance is necessary to assure the efficient and expedient delivery of medical services and protect the peace and security of medical facilities and to safeguard the peace and privacy of individuals' homes. Therefore, this ordinance shall become effective upon publication pursuant to Section 281 of the Los Angeles City Charter.

## **V. AMPLIFIED SOUND**

**SEC. 115.01 Purpose.** The Council enacts this legislation for the sole purpose of securing and promoting the public health, comfort, safety, and welfare of its citizenry. While recognizing that certain uses of sound amplifying equipment are protected by the constitutional rights of freedom of speech and assembly, the Council nevertheless feels obligated to reasonably regulate the use of sound amplifying equipment in order to protect the correlative constitutional rights of the citizens of this community to privacy and freedom from public nuisance of loud and unnecessary noise.

## **SEC. 115.02 Prohibition and Regulations**

It shall be unlawful for any person, other than personnel of law enforcement or governmental agencies, or permittees duly authorized to use the same pursuant to Sec. 103.111 of this Code, to install, use, or operate within the City a loudspeaker or sound amplifying equipment in a fixed or movable position or mounted upon any sound truck for the purposes of giving instructions, directions, talks, addresses, lectures, or transmitting music to any persons or assemblages of persons in or upon any public street, alley, sidewalk, park or place, or other public property except when installed, used or operated in compliance with the following provisions:

- (a) In all residential zones and within 500 feet thereof, no sound amplifying equipment shall be installed, operated or used for commercial purposes at any time.
- (b) The operation or use of sound amplifying equipment for noncommercial purposes in all residential zones and within 500 feet thereof, except when used for regularly scheduled operative functions by any school or for the usual and customary purposes of any church, is prohibited between the hours of 4:30 p.m. and 9:00 a.m. of the following day.
- (c) In all other zones, except such portions thereof as may be included within 500 feet of any residential zone, the operation or use of sound amplifying equipment for commercial purposes is prohibited between the hours of 9:00 p.m. and 8:00 a.m. of the following day.
- (d) In all other zones, except such portions thereof as may be included within 500 feet of any residential zone, the operation or use of sound amplifying equipment for noncommercial purposes is prohibited between the hours of 10:00 p.m. and 7:00 a.m. of the following day.
- (e) The only sounds permitted shall be either music, human speech, or both.
- (f) Sound emanating from sound amplifying equipment shall be limited in volume, tone and intensity as follows:
  - 1. The sound shall not be audible at a distance in excess of 200 feet from the sound equipment.
  - 2. In no event shall the sound be loud and raucous or unreasonably jarring, disturbing, annoying or a nuisance to reasonable persons of normal sensitiveness within the area of audibility.

(g) Except as provided in (b) above, no sound amplifying equipment shall be operated upon any property adjacent to and within 200 feet of any hospital grounds or any school or church building while in use.

(h) **(Amended by Ord. No. 145,691, Eff. 5/2/74.)** The operation or use of any sound amplifying equipment installed, mounted, attached or carried in or by any sound truck is further prohibited:

1. Within the Central Traffic district at any time;
2. Upon Hollywood Boulevard between Vermont Avenue and La Brea at any time;
3. Upon Wilshire Boulevard at any time;
4. Upon Sunset Boulevard at any time;
5. Upon Vine Street at any time;
6. Upon any street between the hours of 4:30 p.m. and 9:00 a.m. of the following day; and,
7. Upon any street on any Sunday.

## **VI. GENERAL NOISE**

### **SEC. 116.01 Loud, Unnecessary and Unusual Noise**

Notwithstanding any other provisions of this chapter and in addition thereto, it shall be unlawful for any person to willfully make or continue, or cause to be made or continued, any loud, unnecessary, and unusual noise which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area. The standard which may be considered in determining whether a violation of the provisions of this section exists may include, but not be limited to, the following:

- (a) The level of noise;
- (b) Whether the nature of the noise is usual or unusual;
- (c) Whether the origin of the noise is natural or unnatural;
- (d) The level and intensity of the background noise, if any;
- (e) The proximity of the noise to residential sleeping facilities;
- (f) The nature and zoning of the area within which the noise emanates;
- (g) The density of the inhabitation of the area within which the noise emanates;
- (h) The time of the day and night the noise occurs;
- (i) The duration of the noise;

- (j) Whether the noise is recurrent, intermittent, or constant; and,
- (k) Whether the noise is produced by a commercial or noncommercial activity.

**For questions or advice regarding any labor action within the City of Los Angeles, contact LRU via Real-Time Analysis and Critical Response (RACR) Division.**

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